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## Richmond Public Schools

Angela C. Wilson  
Clerk of the School Board  
[awilson9@rvaschools.net](mailto:awilson9@rvaschools.net)

**VIA Electronic Mail**

May 1, 2019

Mr. Tom Nash  
MuckRock News  
DEPT MR 69925  
411A Highland Avenue  
Somerville, MA 02144-2516  
[69925-91448795@requests.muckrock.com](mailto:69925-91448795@requests.muckrock.com)

Dear Mr. Nash:

RE: Freedom of Information Act Request

Richmond Public Schools is in receipt of your Freedom of Information Act request that was made via electronic mail on March 13, 2019 and received on April 30, 2019. Your request consisted of the following:

- The current Freedom of Information handbook, policy manual, guidelines, or any similar document used by RPS.

The following link is to the FOIA process on the Richmond Public Schools School Board page: <https://www.rvaschools.net/Page/1237>. RPS' FOIA policy and fee schedule are below.

You contact me at (804) 780-7716 with any questions or concerns.

Sincerely,

Angela C. Wilson

c: Mrs. Dawn Page, School Board Chair  
Mr. Jason Kamras, Superintendent  
Ms. Kenita Bowers, Public Information  
Attorney  
File

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**Resilience. Pride. Success**

## **POLICY 4-2.1**

## **ACCESS TO SCHOOL BOARD RECORDS**

The School Board of the City of Richmond is committed to compliance with the Virginia Freedom of Information Act (FOIA) and will process requests for information in accordance with the following procedures.

### **Generally**

Except as otherwise specifically provided by law, public records shall be open to inspection and copying by any citizen of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the administrative offices of Richmond Public Schools.

For the purpose of this policy, the School Board Clerk is designated as the FOIA Officer. The FOIA Officer serves as the point of contact for members of the public in requesting public records and coordinates the School Board's compliance with FOIA. The FOIA officer receives training at least annually from the School Board's legal counsel or Virginia Freedom of Information Advisory Council. All requests for inspection and/or copying shall be made to the Clerk of the School Board.

When practicable, the following records shall be available on demand at the School Board's administrative offices:

1. approved School Board minutes for the current year and the immediately preceding year;
2. School Board meeting agendas;
3. School Board meeting agenda material;
4. a list of schools, their addresses, phone numbers and principals' names;
5. a copy of the current School Board budget; and
6. the current adopted salary scales.

In an effort to increase public awareness and participation in the transaction of School Board business, the School Board shall make routine Board documents, including the items listed above, available for public viewing on the School Board page of the school division website.

Unless otherwise specified in this procedure or by the division superintendent or his/her designee, inspection of records shall take place in a designated area at the administrative offices of Richmond Public Schools, and the records shall not be removed from that location. Nonexempt records maintained in an electronic database shall be produced in any tangible medium or format identified by the requester that is regularly used in the ordinary course of business by Richmond Public Schools, including posting the records on a website or delivering the records through an electronic mail address provided by the requester. Copies may be requested in lieu of or at the time of inspection, subject to the charges outlined below.

If school division records have been transferred to any entity, including any other public body, for storage, maintenance or archiving, the school division remains the custodian of the records for purposes of responding to requests and is responsible for retrieving and supplying the records to the requester.

The Clerk or a designee may be present during inspection or copying of records. A record of inspection shall be made and maintained by the Clerk of the School Board.

### **Procedure for Requesting School Board Records**

Requests for public records shall identify the requested records with reasonable specificity. All requests for public records shall be directed to the Clerk of the School Board via U.S. mail or hand delivery at 301 N. Ninth Street, 17th Floor, Richmond, Virginia 23219, via telephone at (804) 780-7716, via facsimile at (804) 780-8133, or via electronic mail at [foia@rvaschools.net](mailto:foia@rvaschools.net).

Persons requesting public records shall be provided with a copy of this procedure and may be asked, but not required, to complete a "Request for Public Records" form and to append any written request (whether mailed, hand delivered, faxed or e-mailed) to the form. The requester may be asked (but is not required) to put his or her request in writing. If the requester refuses to complete a "Request for Public Records" form or if the request is made by telephone, facsimile or electronic mail, the requested information shall be transcribed onto the form by the Clerk or his/her designee. Any original request received in writing (whether mailed, hand delivered, faxed or e-mailed) shall be appended to the form.

All requests for public records are subject to FOIA statutory timelines. Promptly, but in all cases within five (5) working days of receiving the request, one of the following written responses shall be provided to the requester:

1. The records shall be made available to the requester for inspection. Copies may be provided in lieu of or in addition to inspection.
2. The requested records are being withheld entirely because their release is prohibited by law or because the Freedom of Information Act gives their custodian the discretion to withhold them. A written explanation identifying with reasonable particularity the volume and subject matter of the withheld records and with respect to each category withheld, referencing the Code section that authorizes the withholding of such records shall be included.
3. The requested records are being provided in part and are being withheld in part because the release of part of the records is prohibited by law or, because the custodian has exercised his or her discretion to withhold a portion of the records. A written explanation identifying with reasonable particularity the subject matter of the withheld portions and referencing, with respect to each category of withheld records, the Code section that authorizes the withholding of such records shall be included.

4. The requested records could not be found or do not exist. However, if Richmond Public Schools knows that another public body has the requested records, the response shall include contact information for the other public body.
5. If it is practically impossible to provide the records or to determine whether they are available within the five work day period, the requester shall be notified of this fact and of the specific conditions which make a response within the five work day period impossible. Such notice shall be provided within five working days of receiving the request, and one of the preceding responses shall be provided within an additional seven work day period.

The five work day period shall begin on the first working day following the day the request is received by the Clerk and shall end at the close of business on the fifth working day following receipt of the request. Any time that elapses between the time the requester is notified of an advance cost determination pursuant to this procedure (as outlined below) and the time the requester responds in writing to that notice shall not be counted in calculating the five work days.

In the event of a FOIA legal action brought against an employee of the Richmond Public Schools, the School Board may provide for the employee's legal defense. Should the employee be found liable by a court for improperly providing or withholding information under FOIA, the employee may be required to reimburse the legal costs associated with defending the suit against the employee.

### **Processing Requests**

The Clerk of the School Board shall, after receiving a request, promptly make an initial determination as to whether the requested records exist, if the record should be fully disclosed, partially disclosed, or is exempt from disclosure, or if additional time will be required to respond. If the Clerk is uncertain whether the requested records exist or where they may be located, efforts shall be promptly initiated to locate the records or determine whether they exist. If the Clerk is unsure whether the requested records should be disclosed or are exempt, legal advice shall be sought promptly.

If the requested records exist and should be fully or partially disclosed, the Clerk shall consult with the appropriate staff to determine the cost involved to assemble the records for inspection and copying.

The following reasonable costs shall be charged at the rate indicated, not to exceed the actual cost incurred in accessing, duplicating, supplying, or searching for the requested records:

1. Employee search time is charged by the quarter hour. Depending upon the employee(s) involved in the search, rates shall be determined by the Department of Human Resources based upon the hourly rate of the employee(s) assigned to access, duplicate, supply, or search for the requested records. When contracted services are required, an average market rate will be quoted. Actual costs will be billed.

2. Actual costs associated with computer printouts and copies.
3. Copies charged at the rate of \$.01 per page.

If the requester has asked for an advance determination of the cost, or if the cost is expected to exceed \$200, the requester shall be notified of the advance cost determination. The School Board shall, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. No further processing of the request shall take place until the requester responds.

Before processing a request for records, the Clerk may require the requester to pay any amounts owed to the School Board for previous requests for records that remain unpaid 30 days or more after billing.

**Publication of Policy**

This policy, including the name and contact information for the FOIA Officer will be posted at the School Board office and on the division's website.

**LEGAL REFERENCE:** Code of Virginia 1950, as amended, §§ 2.2-3700 et seq.

Recodified: April 30, 2018

## **THE VIRGINIA FREEDOM OF INFORMATION ACT (FOIA) FEE SCHEDULE**

As provided by Section 2.2-3704(F) of the Code of Virginia of 1950, as amended, “a public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records.”

Section 2.2-3704(H) of the Code of Virginia of 1950, as amended, provides in pertinent part that:

In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records.

In an effort to apprise the public of the charges associated with supplying records requested pursuant to FOIA, Richmond Public Schools (RPS) provides the following itemization of charges:

- The hourly rate of the employee(s) responsible for accessing, duplicating, supplying, or searching for the requested records multiplied by the length of time required to process the request will be assessed.
- If copies of records are requested, a cost of one cent per page will be assessed. This duplication cost is in addition to the hourly rate of the employee(s) responsible for duplicating the requested records.
- If copies of audio CDs or are requested, a cost of thirty-five cents per CD will be assessed. This cost is in addition to the hourly rate of the employee(s) responsible for duplicating the requested records.
- As stated above, when the estimated advance determination of charges exceeds \$200, a deposit will be required in an amount equal to half of the total amount of the estimated advance determination of charges. The deposit will be credited toward the final cost of supplying the requested records. RPS will not continue processing a request for records until RPS receives a response from the requester indicating his/her acceptance of such charges and remittance of the deposit.

Upon request, RPS will estimate in advance the charges for supplying the requested records. A final itemized statement of actual costs assessed will be provided upon completion of processing the request for records.

As provided by Section 2.2-3704(I) of the Code of Virginia of 1950, as amended, before processing a request for records, RPS may require a requester to pay any amounts owed to RPS for previous requests for records that remain unpaid 30 days or more after receipt of the final itemized statement of actual costs. All payments due under this fee schedule shall be sent to the attention of the Clerk

of the School Board at 301 North Ninth Street, 17<sup>th</sup> Floor, Richmond, Virginia 23219. Checks and money orders shall be made payable to Richmond Public Schools.

RPS reserves the right to amend or supplement this fee schedule as necessary in accordance with the applicable law.

Please contact the Clerk of the School Board at (804) 780-7716 with any questions or concerns regarding this fee schedule. Questions may also be submitted to the Clerk in writing at the above-listed address.

The Virginia Freedom of Information Act is codified at Sections 2.2-3700 through 2.2-3714 of the Code of Virginia of 1950, as amended.

Effective: March 1, 2010